

Section 2

2.9 Cultural Resources Procedure for DATCP Cost-Share Projects

Given the responsibilities and constraints facing the agency, DATCP has identified a simplified process for conducting cultural resource reviews for cost-share projects including the extent of the review that must be undertaken for individual projects. While projects may be cleared quickly with little to no delay in the process, it is possible that a review may take several months, and therefore counties **should plan accordingly**.

I. Review required before construction is started

The following procedures shall be followed when considering cultural resources.

1. Determine land ownership.
2. Determine the funding source. Depending on the funding source, cultural resources compliance may be not always be the responsibility of DATCP.

If both DNR and DATCP grant funds are combined to fund a project, DNR will conduct cultural reviews using current DNR procedures. Also, if a DNR permit is required, the DNR will conduct cultural reviews using current DNR procedures.

NRCS is responsible for completing the cultural resources reviews for projects funded through CRP, CREP, EQIP, WHIP, WRP, etc. *Note: For CRP/CREP projects, if the initial review results in a recommendation for archaeological field work, FSA, as the lead agency for CRP/CREP, is responsible for coordinating this field work.*

Requests for cultural resources reviews should be submitted as soon as it is determined that the project will involve ground disturbing activity.

3. Determine whether the proposed project is an undertaking that requires review or is exempt from review (see DATCP criteria table below).
 - a. If the proposed practice is listed as “Exempt,” document this in the project file. No further consideration of cultural resources is required. The project may be installed.
 - b. For all practices that are not exempt, submit the Cultural Resources Initial Review Request Worksheet to the NRCS Cultural Resources Coordinator (CRC) to determine if the practice is in a location meriting further attention. Be sure to use the most recent version of the form (located in Section II, Cultural Resources, of the e-FOTG). All information on the form must be completed accurately for an efficient review. A copy of the appropriate USGS topographic quadrangle map with the area of ground disturbance clearly indicated must be submitted with the form. Other maps (such as aerial photographs, soils maps, enlarged topographic maps showing more detail, or construction plans) are useful in expediting the review and may be submitted in addition

to the topographic map. Note that these other maps cannot be substituted for a topographic map.

Use the following guidelines when preparing a topographic map for submittal:

- 1) Use a USGS topographic map with a scale of approximately 1:24,000.
 - 2) Copy on an 8½ x 11 sheet of paper. Position the section where the practice is to be installed in the center of the page. Make sure the adjacent sections can be seen. Do not enlarge the image.
 - 3) Label the topographic map at the bottom with the following information:
 - Landowner name
 - County
 - USGS map quadrangle name
 - Township (N), Range (E or W), Section
 - Quarter section
 - 4) Mark the area(s) of planned ground disturbance on the map.
4. THE CRC will notify the District Conservationist (DC) and DATCP of the results of the initial review conducted according to State Historic Preservation Office (SHPO) guidelines set forth in the Programmatic Agreement between NRCS and the Wisconsin SHPO. DATCP will take the following actions depending on the findings of the initial review:
- a. If no known archaeological sites are identified, the cultural resources compliance process is complete. DATCP will notify the county that construction may proceed as planned. However, if a site is discovered during construction, the county must immediately stop work and follow the steps in Section II below.
 - b. If known archaeological sites are identified near or in the area of potential effect, DATCP may send the project information to the SHPO to provide recommendations or may use another approach designed to clarify a project's potential impacts. The SHPO has 30 days to review the project, and may request a 30 day extension to complete its review. Negotiations may be requested to minimize or avoid project delays. DATCP may allow the counties to pursue other actions to clear a site. Counties may engage qualified parties to investigate a site to clarify potential impacts. With DATCP approval, counties may use DATCP cost-sharing to pay for the cost of archaeological investigation to resolve outstanding concerns. DATCP will communicate as needed with the county to share information.

II. Discovery of an Unanticipated Cultural Resource during Soils Investigation or after Construction Begins

In the event unanticipated cultural resources are discovered **during Soils Investigation** or after construction begins, the following procedures shall be followed:

- Request that the landowner stop all actions in the area affecting the resource to allow the significance of the resource to be determined.
- In the event that the action affecting the resource is not halted, consider immediately suspending assistance, and inform the landowner that continuing to affect the resource will result in withdrawal of DATCP assistance and funding.
- Immediately document the resource and implement measures to protect the resource from further disturbance.
- Contact DATCP Central Office Conservation Engineering Staff for assistance.

NOTE: If human bones are discovered during any phase of construction, immediately stop all work and notify the Burial Sites Preservation Office at the Wisconsin State Historical Society (800-342-7834 or 608-264-6502).

If Burial Sites Preservation Office staff is unavailable, leave a message then contact the local police/sheriff's department. Describe what you saw, and ask that the area be secured until the discovery can be evaluated by the Burial Sites Preservation Office staff.

Do not attempt to collect the remains. Do not disturb or investigate the discovery further. Human burial sites may not be disturbed without authorization from the Director of the Wisconsin Historical Society (Wisconsin Burial Sites Preservation Law §157.70).

Classification of Conservation Practice Effects on Cultural Resources

| Practice Name | Code | Classification |
|--------------------------------|------|---|
| Access Road | 560 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed or below plow zone area) |
| Agrichemical Handling Facility | 309 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed or below plow zone area) |
| Animal Trails and Walkways | 575 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed or below plow zone area) |
| Contour Farming | 330 | Exempt |
| Cover Crop | 340 | Exempt |
| Critical Area Planting | 342 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Closure of Waste Impoundments | 360 | Exempt if the site was not excavated or disturbed to obtain fill. |
| Diversion | 362 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area) |
| Fence | 382 | Exempt |
| Field Border | 386 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Filter Strip | 393 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Grade Stabilization Structure | 410 | Review Required |
| Grassed Waterway | 412 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area) |
| Heavy Use Area Protection | 561 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Karst Sinkhole Treatment | 527 | Review Required |
| Lined Waterway or Outlet | 468 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area) |
| Manure Transfer | 634 | Review Required |
| Mulching | 484 | Exempt |
| Nutrient Management | 590 | Exempt |
| Obstruction Removal | 500 | Review Required |

| Practice Name | Code | Classification |
|---|-------------------|---|
| Pest Management | 595 | Exempt |
| Pipeline | 516 | Review Required |
| Prescribed Grazing (Managed Grazing – Wisconsin) | 528 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Residue and Tillage Management – Mulch Till | 345 | Exempt |
| Residue and Tillage Management – No Till/Strip Till/Direct Seed | 329 | Exempt |
| Residue and Tillage Management – Ridge Till | 346 | Exempt |
| Residue Management – Seasonal | 344 | Exempt |
| Riparian Forest Buffer | 391 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Roof Runoff Structure | 558 | Exempt |
| Roofs and Covers | 367 | Exempt |
| Sediment Basin | 350 | Review Required |
| Shoreland Habitat | 643A (Interim) | Exempt (no ground disturbing activities beyond seeding activities) Review Required (with ground disturbing activities) |
| Spring Development | 574 | Review Required |
| Stream Crossing | 578 | Review Required |
| Stream Habitat Improvement and Management | 395 | Exempt (no ground disturbing activities greater than plow depth) Review Required (with ground disturbing activities greater than plow depth) |
| Soils Investigations | | Exempt |
| Streambank and Shoreline Protection | 580 | Review Required |
| Strip-cropping | 585 | Exempt |
| Structure for Water Control | 587 | Review Required |
| Subsurface Drain | 606 | Review Required |
| Surface Drain, Field Ditch | 607 | Review Required |
| Surface Drain, Main or Lateral | 608 | Review Required |
| Terrace | 600 | Review Required |
| Trails and Walkways | 568 | Review Required |
| Tree/Shrub Establishment | 612 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |
| Underground Outlet | 620 | Review Required |

| Practice Name | Code | Classification |
|-------------------------------------|------|---|
| Vegetated Treatment Area | 635 | Exempt if area previously disturbed or plowed, but review is required if area is undisturbed and practices requires disturbance below 2 feet. |
| Waste Storage Facility | 313 | Review Required |
| Waste Treatment | 629 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area) |
| Water and Sediment Control Basin | 638 | Review Required |
| Water Well | 642 | Review Required |
| Water Well Decommissioning | 351 | Exempt |
| Watering Facility | 614 | Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area) |
| Wetland Creation | 658 | Review Required |
| Wetland Enhancement | 659 | Review Required |
| Wetland Restoration | 657 | Review Required |
| Wildlife Upland Habitat Management | 645 | Exempt |
| Windbreak/Shelterbelt Establishment | 380 | Exempt (previously disturbed/plowed area) Review Required below plow zone area |

Note: Previously undisturbed means an area that has not been subject to significant land-distributing activities such as land clearing and grubbing, grading, excavations, embankments, land development, construction, agricultural plowing or tilling, operation of an animal production area, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials. Land may be considered undisturbed if there has been superficial disturbances including planting and minor land movement. Plow zone means the zone of soil up to 18 inches in depth typically disturbed by tillage equipment.

Interim Cultural Resources Procedure for DATCP Cost Share Projects

